

C6 35. (Amended) The method of claim 33, wherein said second sample is colorectal tissue.

C7 38. (Amended) The method of claim 37, wherein said first sample is colorectal tissue.

39. (Amended) The method of claim 37, wherein said second sample is colorectal tissue.

C8 41. (Amended) The method of claim 32, wherein said nucleic acid comprises SEQ ID NO:1.

C9 44. (Amended) A method for determining the prognosis of an individual with breast cancer or colorectal cancer comprising determining the expression of a nucleic acid that encodes an amino acid sequence at least 95% identical to SEQ ID NO:2 in a sample from an individual, wherein a high level of expression of said sequence indicates a poor prognosis for the individual.

45. (Amended) The method of claim 44, wherein said nucleic acid comprises SEQ ID NO:1.

C10 48. (New) The method of claim 33, wherein said first sample is breast tissue.

49. (New) The method of claim 33, wherein said second sample is breast tissue.

50. (New) The method of claim 37, wherein said first sample is breast tissue.

51. (New) The method of claim 37, wherein said second sample is breast tissue.

IN THE DRAWINGS:

Please amend the drawings by replacing the original Figures 1 and 2 with the substitute sheet provided.

REMARKS

The Invention

The invention is the discovery that high expression of the gene CHA4, is correlated in a statistically significant manner with the existence of breast or colorectal cancer. Thus, CHA4 over-expression can be used for diagnosis and prognosis evaluation of breast or colorectal cancer.

Status of the Claims

Claims 1-6, 8-30 and 32-47 are pending in this application. Claims 1-6 and 8-30 are withdrawn from consideration. Claims 32-47 are rejected.

Claims 32-47 are rejected under 35 U.S.C. §112, first paragraph as containing subject matter which was not described in such a way as to enable one skilled in the art to make and use the invention.

Claims 32-47 are also rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to point out and distinctly claim the subject matter the Applicants regard as their invention.

Support for the Amendments to the Claims

Support for the amendments to claim 32 are found in the specification on page 4, lines 14-18, page 10, lines 11-18, page 11, lines 9-13 and page 14, lines 15-32. Support for the change to "sequence encodes an amino acid sequence at least 95%